

AMENDED IN SENATE MAY 5, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1155

Introduced by Senator Machado

January 28, 2004

An act to ~~add Section 79442 to the Water Code,~~ relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Machado. Sacramento-San Joaquin Delta: *Vernalis salinity objectives.*

Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water.

The bill would make legislative findings and declarations relating to the operation of state and federal water facilities and the 1995 Bay-Delta Plan salinity objectives at Vernalis, and, further, would find and declare that the state should not assist an entity in increasing its use of public trust resources if that entity fails to meet water quality requirements that are conditions of a water rights permit or license.

~~Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority until January 1, 2006, unless a certain determination is made. The act requires the authority and the implementing agencies, as defined, to carry out the programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives~~

of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. The act requires the authority to review, approve, and make recommendations regarding certain program plans and expenditure plans submitted by the implementing agencies and to undertake related actions.

This bill would prohibit a public agency from assisting any other public agency in implementing any of the actions described in a specified document concerning the integrated operations of the Central Valley Project and the State Water Project until an interagency agreement or similar instrument is signed and executed by specified persons representing the authority and member agencies of the authority. The bill would require that agreement to describe the components of, schedule for, and implementation strategy of, an integrated delta improvement package for conveyance, water quality, and environmental protection.

Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.~~ The Legislature finds and declares all of the
- 2 ~~SECTION 1.~~ The Legislature finds and declares all of the
- 3 following:
- 4 (a) Under Water Right Decision 1641 of the State Water
- 5 Resources Control Board and its subsequent revisions, the
- 6 Department of Water Resources and the United States Bureau of
- 7 Reclamation are each required to operate their respective facilities
- 8 to meet numerous water quality standards. These standards
- 9 include, but are not limited to, the 1995 Bay-Delta Plan salinity
- 10 objectives at Vernalis.
- 11 (b) The modeling of both the State Water Resources Control
- 12 Board and the United States Bureau of Reclamation indicates that,
- 13 under current operations, violations of the Vernalis salinity
- 14 objectives are projected to occur in approximately half of all water
- 15 years. This number includes above-normal and wet water years,
- 16 which typically means there is sufficient water in the system so that
- 17 the salinity objectives are not an issue. If the above-normal and wet
- 18 water year classifications are removed from the modeling results,
- 19 it is predicted that water quality violations will occur at Vernalis
- 20 in July and August of most water years.

(c) *The state should not assist an entity in increasing its use of public trust resources if that entity fails to meet water quality requirements that are conditions of a water rights permit or license.*

following:

~~(a) The CALFED Programmatic Record of Decision (ROD) and its associated documents described actions that were intended to take place in an integrated framework and not independently of one another. While each program element was described individually, it was understood that only through coordinated, linked, incremental investigation, analysis, and implementation could the problems in the Sacramento-San Joaquin Delta (delta) be effectively resolved.~~

~~(b) Recent private negotiations between the Department of Water Resources and the United States Bureau of Reclamation have resulted in a plan to increase delta pumping to up to 8,500 cubic feet per second during periods that are currently restricted. This “Draft Proposition Concerning CVP/SWP Integrated Operations,” also known as the “Napa Agreement,” was developed behind closed doors, without direct input from many stakeholder groups or from state or federal wildlife agencies.~~

~~(c) It is important that any effort to increase delta pumping be conducted consistent with the original CALFED objectives and the CALFED solution principles.~~

~~SEC. 2. Section 79442 is added to the Water Code, to read:~~

~~79442. (a) Notwithstanding subdivision (c) of Section 79403.5, no public agency may assist any other public agency in implementing any of the actions described in the document entitled “Draft Proposition Concerning CVP/SWP Integrated Operations” until an interagency agreement or similar instrument is signed and executed by all of the following:~~

~~(1) The director.~~

~~(2) The Director of Water Resources.~~

~~(3) The Director of Fish and Game.~~

~~(4) The Regional Director of the United States Mid-Pacific Region of the Bureau of Reclamation.~~

~~(5) The Regional Administrator of the Southwest Region of the United States National Marine Fisheries Service.~~

~~(6) The Operations Manager of the California/Nevada Operations Office of the United States Fish and Wildlife Service.~~

1 ~~(b) The interagency agreement shall describe the components~~
2 ~~of, schedule for, and implementation strategy of, an integrated~~
3 ~~delta improvement package for conveyance, water quality, and~~
4 ~~environmental protection.~~

5 ~~(c) The integrated delta improvement package shall include,~~
6 ~~but is not limited to, all of the following elements:~~

7 ~~(1) An aggressive integrated salinity management program for~~
8 ~~the Sacramento-San Joaquin Delta Estuary.~~

9 ~~(2) Actions leading to progressive improvement in drinking~~
10 ~~water quality.~~

11 ~~(3) Permanent operable barriers for salinity and water level~~
12 ~~management.~~

13 ~~(4) A long-term funded environmental water account.~~

14 ~~(5) A joint operations plan describing actions leading to full~~
15 ~~implementation of the joint point diversion facilities and~~
16 ~~increasing pumping at the Banks Pumping Plant to 8,500 cubic~~
17 ~~feet per second.~~

